









WORKSHOP 2023

FEBRUARY 23-25 · NAIROBI

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DEALING WITH COMPLAINTS

OBJECT OF COUNCILS

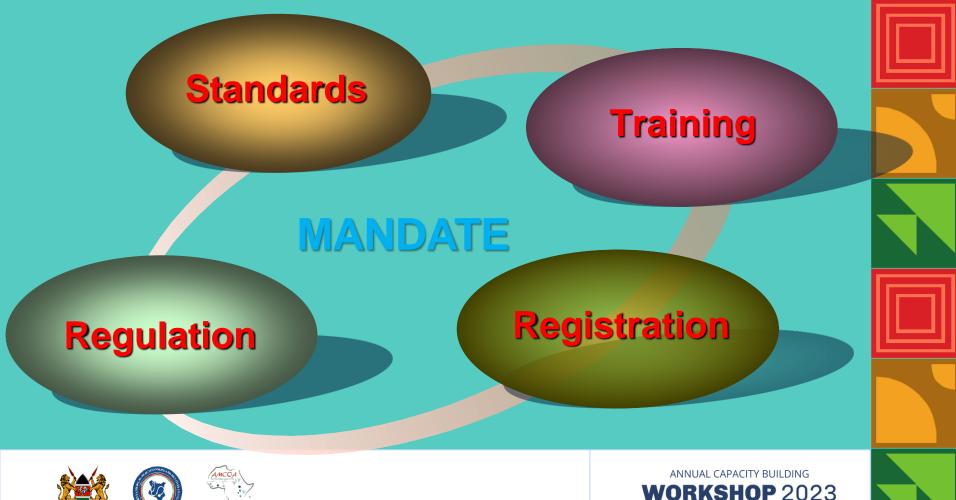
To secure in the public interest the highest standards in the training and practice of medicine and dentistry in Ghana.

















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DEALING WITH COMPLAINTS

- □ Administrative Process
- □ Preliminary Investigations Committee
- Disciplinary Committee
- Medical Practitioners Tribunal











COMPETENCIES OF THOSE APPOINTED TO DISCIPLINE COMMITTEES

- □ Two key issues;
 - Capacity to undertake the duty
 - Confidence that justice has been served to the parties and the public















□ Criteria to note:

- Area of specialisation
- Years of experience in a particular discipline
- Dispute resolution skills
- Impartiality
- Confidentiality

















□ Criteria to note:

- Possess information analysis skills
- Be a professional who is in good standing with their relevant regulatory authority.
- Have someone who represents the general public (gender sensitive). This will inspire public confidence and trust that the disciplinary committee is not just a 'club of doctors out to protect their own'.















CONDUCTING DISCIPLINARY HEARINGS, ASPECTS OF LAW TO BE CONSIDERED

- □ Principles of Natural Justice
 - □ Two Rules
 - □ Rule against bias (nemo judex in causa sua)
 - □ Right to a fair hearing (audi alteram partem rule, good faith)

The laws and regulations in place in a particular jurisdiction will guide the procedure for undertaking the disciplinary inquiry and by extension, the disciplinary hearing.

















IMPLICATION OF OUTCOMES OF DISCIPLINARY PROCESSES

- Positive implications:
 - Provides justice for wrong-doing
 - Clarifies professional issues
 - Builds jurisprudence and precedence
 - Deters unprofessional conduct and professional malpractice
 - Guides the wider profession on do's and don't's within their practice.

















IMPLICATION OF OUTCOMES OF DISCIPLINARY PROCESSES

- Negative implications:
 - □ Encourages practice of defensive medicine which may lead to a low quality of care
 - Disciplinary processes may not take into consideration the working environment of the practitioner

















PROFESSIONAL INQUIRY FOR MINOR OFFENCES AND LEGAL INQUIRY FOR MAJOR OFFENCES

Minor Offences

- Professional/preliminary inquiries can be used to determine matters that are minor and that can be resolved without having to go to the technicalities of medical or dental practice.
- □ ADR mechanisms can also be deployed to handle minor offences that do not encompass the technical aspects of medical or dental practice.

















Major Offences

□ For matters that entail the professional technicalities and standard of care or conduct that was expected, the legal inquiry process may be used.











OTHER CONSIDERATIONS

Decisions may be challenged or appealed at the Courts

- Some complaints may also lead to the use of the criminal justice system. These two considerations will require repeated attendance either as defendant or witness.
- **□** ??????















DEDICATED WELL TRAINED UNITS THAT ARE STAND ALONE

- ☐ Given the continued nature of the functions of a Disciplinary Committee, there is need to consider having well-trained, stand-alone department/unit that inquires into and gives determination on matters that touch on standards of practice and conduct of registered practitioners.
- The benefits of this proposal include
 - **□** assuring consistency in the decisions given by the Disciplinary Committee
 - building in-house capacity so that the regulatory body does not depend on rotating experts to inquire into particular matters of professional standards and conduct.

























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